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AN ADDRESS

DELIVERED BY REQUEST, BEFORE THE

DETROIT YOUNG MEN'S SOCIETY,

**Relative to the Customs and Institutions of the
early Colonists of New England,**

By WILLIAM WOODBRIDGE.

“When ancient opinions and rules of life are taken away, the loss cannot possibly be estimated. From that moment, we have no compass to govern us; nor can we know distinctly, to what port we steer.”—BURKE.

DETROIT:

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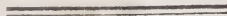
A D D R E S S

BEFORE THE

DETROIT YOUNG MENS' SOCIETY,

DELIVERED BY REQUEST, APRIL, 1848.

BY HON. WILLIAM WOODBRIDGE.



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A D D R E S S .

GENTLEMEN OF THE "DETROIT YOUNG MEN'S SOCIETY:—"

It has been matter of conjecture, among antiquaries and speculative politicians, whether it did not enter into the design of the first settlers of New England, to found there, a separate, an independent commonwealth? And whether those bold and fearless spirits, did not look forward to precisely such an epoch as occurred in 1776, some one hundred and fifty years after.

I have seen it somewhere asserted, that among the secret archives of the government of Great Britain, there *are* proofs, a series of concurrent proofs, that, from the earliest periods of those colonial establishments, there existed such a design, positive or contingent; and that until its final consummation, it was never entirely lost sight of by leading men of the colony.

I pretend not to affirm this proposition, nor to deny it; but I think it may be demonstrated that, whether such a contingency, or final result, were originally contemplated or not, the habits of that people, fitted them for it; and all their primitive institutions tended that way. Although the forms and the essential qualities of any government cannot fail to exercise a powerful influence in moulding the manners, customs and *general cast of sentiment*, of those who owe allegiance to it; yet it is not less true, that the peculiar genius of a people, still more powerfully controls the character and *essential qualities* of their government. The history of every age, and of every country, demonstrates the important truth, that the habits and modes of thinking and acting, of any people, in the various domestic, social and political relations of life, *overrule*, and give character to all their positive laws; while their fundamental institutions, re-acting, especially upon the generation which is advancing, give distinctness, and tone, and fashion, for succeeding ages, to their moral and political characters. Thus acting, and re-acting, each upon the other, these great moral agents secure consistency, harmony, and permanence to the condition of society.

The first settlers of New England were a *peculiar* people. Their characters were formed in the country they left, and by the times in

which they lived. It was a school of adversity, and of fearful oppression, both political and religious. There was passing before them there, between the genius of British liberty, on the one side, and the votaries of despotism on the other, a *death struggle* of fearful foreboding ! At no time since the christian era, has such a struggle been more severe, nor the actors in the contest more distinctly, more clearly marked, than in England, during the period which immediately followed and preceded the departure of the Pilgrims.

In the published address which I was requested by the New England Society of Detroit, not long ago to prepare, I adverted, sufficiently in detail in this respect, to the condition of the country the Pilgrims had left. Of their personal character too, and that of some of the most distinguished among their associates, I had something to say. I was proceeding to notice consecutively the most prominent of their peculiar institutions: but these topics seemed to multiply, and the subject grew upon me as I advanced. I had *not allowed myself time to be short*, and after making some progress in the discussion which I had prescribed for myself, I became admonished by the proprieties of the occasion, that I must break off, however abruptly. It is not my purpose to repeat what I then said. But the vein of thought which that occasion induced, led to views I did not then present, and to some of these I propose now to advert; though I fear you may consider them suited rather to engage the attention of the sons of New England, than yours. Candor indeed may render it proper for me to say, that motives of personal convenience may have influenced my selection on this occasion, of such a theme. I do not expect again to address the New England Society of Detroit: But having been led, in the manner I have stated, to review my recollections of the men, and the institutions of New England, a course of research suggested itself, which I have thought might be profitably pursued by all, of whatsoever lineage, who, as American citizens, claim part in the heritage of our Fathers. Those who participate in public affairs, as all American citizens, according to their convenience and opportunity, ought to do ; those who, like you, gentlemen, may expect to take an active part in regulating the policy, and in shaping the future destinies of our young and vigorous commonwealth, will find it interesting surely, and most highly useful to seek, in the institutions and through the history of the past, for those primary and extraordinary causes, which, in the providence of God, have led our favored country from the helplessness of childhood, so suddenly, into all the fullness and vigor of *perfected* maturity ; which have

brought freedom, and security, and happiness into our social and domestic circles, and crowned our nation with all that wealth and prosperity and renown, can confer !

You will not, then, deem it out of place I hope, nor in the slightest degree disrespectful, that I should ask you to consider with me, of the influences which the habits and institutions of the early colonists of New England may have exerted upon the character of the government and the existing establishments of the country. To touch, and that but slightly, upon some of the most prominent of these prolific topics, is all I shall now venture upon. The subject is too large and too multifarious, to be comprised in a brief and ephemeral production such as this. But if I can awaken a spirit of philosophic inquiry into these matters ; if I can persuade any one of you, gentlemen, to trace the long series of consequences which have resulted from those original institutions and habits—institutions and habits which without much consideration, we are quite apt, in these, the days of our prosperity, to deride and laugh at ; I feel that I shall have done some good.

The most conspicuous of all those characteristics which distinguished the original founders of New England, was that deeply seated religious feeling which pervaded *all* their institutions ; which infused its spirit into *all* they did ; which gave complexion to *all* their habits. There could be no better pledge of the favor of Providence ; no surer guaranty of their prosperity as a people, in all future time. But I forbear from all prolonged comments upon this most fertile branch of the general subject. In the public address to which I have alluded, I expressed my thoughts upon it sufficiently at large. A few remarks only in addition to those I then made, will comprise all to which I would now desire your indulgent attention.

A little reflection will admonish us, gentlemen, that there is great affinity, and a very intimate connection between civil and religious freedom. The one can hardly exist and be enjoyed *amply*, without the other. Both were dear to the "Puritans" of Great Britain ; and both were denied to them by the reigning monarch. Freedom of opinion, the liberty to worship God according to the dictates of their own consciences, more especially, they clung to with the devotedness of martyrs ! In the assertion of this liberty, they were prepared to meet *all* hazards ; to incur *all* hardships ; to *endure* all things ; to *suffer* all things. The hierarchy of Great Britain they had repudiated. All obedience to the Bench of Bishops they had spurned and renounced ! They were of that sect of protestant christians called "Congregation-

alists," whose creed acknowledged no *prelacy*; no high order of dignitaries in the church; and whose forms of government were all based upon equality of privilege and of right, among all the members of the society, whether *communicants* or not.

In the location and in the building of their churches, for example; in the selection, employment and dismissal of their pastors, in fixing their salaries, in all the temporal and prudential affairs of their society, all had an equal voice. In short, their church government, in all its principles, in all its tendencies, and in all the habits of thinking and acting, which it superinduced, was purely Republican! And what is there more natural, more congruous; and what, may I ask, was more *unavoidable*, than that a people, brought up all their lives, to be familiar with the workings of *such* a system, in which, when of proper age, all participated; should apply *that* system, when they *could* so apply it, to their civil government? Now, I would not advance the absurd proposition, that none but congregationalists can, in modern times, be republicans. Such a proposition would be both arrogant and historically untrue. Whatever may be said of the *despotic* tendencies of the creed and the government of one church; or of the *oligarchical* character of the doctrines and the observances of another; or of the adverse influences of *any* in this regard; all these may be encountered and overcome, as, during the revolutionary war they *were* encountered and overcome; by intelligence, energy of purpose and manly patriotism. It is proverbially said, you know, that "man is a creature of habit." This is true, intellectually and morally, as well as physically. The greater therefore, is our responsibility; and the more imperative is our duty, as free moral agents, that we should suffer *no* habits to steal upon us except such as, in their influences, are good. But what I mean to say, is this; that having deliberately chosen, for the government of the temporal affairs of the church, a system unqualifiedly *republican*, and *free* in its character; and being *educated* and brought up under its operations, their predispositions, habits, *all* their propensities *must* have led them, irresistibly, to adopt the same system of free republican government for the regulation of their civil and political affairs.

A distinguished representative in congress is reputed to have advanced in debate, the bold proposition, that "it was *education* that made so many Whigs in the United States." If to "education" he would add "and honesty of purpose," I should not quarrel with the proposition. But however that may be, I hold myself quite safe in the assertion, that a genuine, old fashioned congregationalist, of the "Puritan"

school, *must* necessarily, in habit and in principle, have been a republican !

"Virtue," it is said, "is the *spirit* of republican government." This is doubtless very true ; and so far as *human* legislation can avail, the religious establishments of these early adventurers encouraged and secured it. But it is equally true I apprehend, that to virtue you must add *knowledge* ; or the system must fall ! Government is a *science*. It requires study, enlightened judgment, close observation, and an habitual and practical knowledge of its operations and principles.

When, many years ago, the Walk-in-the-water first made its appearance at our wharves, it produced, as you may well suppose, quite a sensation, especially among those who had never seen or heard of a steamboat before. The advent of so extraordinary a monster was soon bruited about. Among the multitudes who gathered from far and near to look at it, there was a native Canadian, a little above middle age. He was an amiable, an intelligent and a highly respected citizen. But he had never heard of a steamboat before. Being advised of its arrival and wonderful performance, he had set out on the instant, fearing it would leave the city, before he could see it ; and travelling some thirty miles or more, principally in the night time, he reached here about day-light. More bold than the rest, and early as it was, he ventured on board. He was politely received, remained a long time on board, and was shown every thing. But he could speak no English. Verbal explanations, therefore, were of no avail.

Very early in the same morning, and long before my ordinary time of rising, I was startled by a violent and continued knocking at my door. Dressing myself very hastily, I went to see what terrible thing had happened. It was my old and polite acquaintance, Mons. Tremblé, living somewhere about the mouth of Huron, now "Clinton" river. Scarcely allowing himself time for that courteous salutation which Frenchmen, (God bless them!) *never forget* ; and in a condition of undisguised agitation, he burst into an exclamation that "the world was coming to an end!" I *thought* he spoke distinctly: I *thought* I heard him clearly: but I could not comprehend him! "Plait il Monsieur?" I said to him ; and he repeated his affirmation—"Voila la fin du monde"—he said, "qui s'approche; et bien tot tout sera detruit!" He was not drunk, I thought; he did not appear like a crazy man. I could not believe that *I* was either the one or the other; and feeling that it was *my* turn to be astonished, I again asked him what he said? what he meant? A third time he repeated his assertion, but in con-

clusion he went on to remark, that "now you and I see vessels driven "with violence by *fire* through the water. Soon they will be hurled "through the air also by fire. You and I may probably both live to see "these things; and then all things will melt with fervent heat, and the "world will be burnt up! The priests told him so—the Holy Bible "says it!" The mystery was solved, he had seen the steamboat!

Now take away the engineers from either of the magnificent steamers at your wharves, and place this amiable, excellent and virtuous man as he then was, in control of its machinery, and who of you, gentlemen, would trust your persons or your property on board that steamer, in her next voyage to Buffalo? Or, and it would be a proposition scarcely more absurd; will you set a South Sea Islander who never heard a word of Greek, to translate one of the books of the Odessey? or, will you take a wild Mexican, honest and true, and pious withal, (if you can *catch* such a one!) and place in his charge, the complicated machinery of one of your departments of government in Washington? and what a lovely *kettle of fish* he would make of it! No, gentlemen, it is vain and idle to hope that *any* set of people can long carry on a *free republican* government, without knowledge too, as well as virtue! And this, if we may judge by their works, the founders of New England seem *practically* to have understood. Their system of education; their plan for the diffusion of knowledge among all grades and ranks and classes in society, was beautiful, unprecedented, unique. There was nothing like it in any age nor country! The nearest approximation to it may be found in the system about the same time, or soon after, adopted in Scotland. But that applied only to the higher classes; it was brought home only to the children of *land proprietors*, and those, as you know, in *feudal times*, constituted but a small portion of the entire population.

The New Englanders divided their country into small school districts, in every one of which, under adequate pecuniary penalties, a *free school* was required to be kept, and funds were provided for it. In every county town, a grammar school was required also to be kept, at which the learned languages and the higher branches of science were required to be taught. I care not under what pretences, real or delusive, this system was *forced* upon the country. The Yankees sometimes gave queer reasons for what they did. So do others, sometimes. Lord Coke was always scrupulously exact, you know, gentlemen, to find *some* reason for every proposition he advanced, and the reason he gives us why a father may not inherit from his son, why the

land of the son, upon his demise, does not accrue to the father, is a little *queer* also: it is "*quia ponderosum est!*"

The Pilgrim Fathers seem to have felt themselves under some stringent necessity to give *their* reasons for the establishment of schools and colleges. One of their early acts of legislation on this subject, passed nearly two hundred years ago, may furnish a specimen. It contains a summary of them by way of preamble, in the following terms: "It being one chief object of satan" (they say,) "to keep men from the knowledge of the scriptures, as in *former* times, keeping them in an unknown tongue; so in these latter times, by persuading them from the *use* of tongues, so that at least the true sense and meaning of the original, might be clouded by the false glosses of saint-seeming deceivers; and, that learning might not be buried in the graves of our fore-fathers, in church and colony, the Lord assisting our endeavors: It is therefore ordered" &c., "that every township within this jurisdiction, after the Lord hath increased them to the number of fifty householders, shall then forthwith appoint one within the town, to teach all such children," &c.; "and it is further ordered, that in every county town there shall be set up and kept, a grammar school, for the use of the county, the master thereof being able to instruct youths, so far as they may be fitted for college," &c.

I will not, however, detain you by further comment upon this most striking feature in the institutions and history of the primitive founders of New England. I enlarged upon it quite sufficiently, and I feared *ad nautiam*, the other day. I introduce it now not with reference to its intrinsic merits, to its harmony of adaptation, or to its great moral beauty; *these* will stand the admiration of future generations! Time, under whose rude touch, most things human grow dark, and wither, and disappear, will but bring into bolder relief those excellencies, and polish and brighten them with a more glowing and radiant lustre! But I have now asked your attention to this peculiar institution because of the ulterior, the remote, the permanent and wide spread influences, which, through succeeding generations, it seems destined to exert upon the moral and intellectual character of our whole country—and more especially upon the principles and character of its political establishments and government.

If it be true, as I have assumed, that for the successful administration of a republican government, a general diffusion of knowledge, is quite as indispensable as virtue and morality, then it results that to this system only, or some adequate substitute for it, the American people must

look, for *any* ground of hope, that our existing free and republican government, can, long, in its original purity and simplicity, be successfully administered. We cannot pierce through the dark mists which conceal the future. But in *this* regard, at least, the indications are auspicious. The desire of extending this system of education and admirably contrived plan of diffusing knowledge among all classes of men, has, with the American people, become a *passion*! It has been fully transplanted, you know, into the broad valleys of the teeming west; and it comes, the harbinger and hand-maid of self-government! Long chilled by indifference, and *frowned* upon as a worthless *Yankee notion*; it pined and languished: but Yankee perseverance has prevailed. The system is now fully installed in public favor throughout the west; and unborn *millions* will yet live to bless, in the fullness of their hearts, as well the inventors of the scheme, as the hands that planted it among them! But in whatsoever degree it may win its way to the public favor in other states, new or old, (and in *all* strenuous efforts are now making to introduce and foster it,) neither this nor their religious institutions can be separated from the affections and the policy of the New England states, unless, indeed, in some great convulsion, all the elements of society there shall be shaken from their places, scattered and destroyed. They constitute the very foundation, as immoveable, and as firm as the *rock of Plymouth*, upon which *all* their state governments, and every other institution among them, domestic, social, or political, are based.

These sagacious men did not stop even here; they in no wise left their work so unfinished. We shall see how, further, they sought to give consistency, compactness, and finish, to their plan. It will have been noticed, that at an early period, the country occupied by them was subdivided into societies, or parishes, with a view to religious purposes; and into districts, with reference to purposes of education. Within each, under the sanctions and provisions of the general law, their ordinary affairs, fiscal and economical, were respectively conducted; the requisite police was duly enforced in them; they constituted parts of the political machinery of government.

They created also other organic political bodies of a very peculiar character. The whole country was divided into corporations, all bounded locally by territorial limits, with numerous and extensive political powers. Their plan of township government, so far as I have been able to discover, was original, and truly *sui generis*. Alfred, the best and the wisest of the saxon monarchs, subdivided his kingdom of En-

gland into hundreds, tythings and counties. This was to secure a more perfect subordination: it was for the better government of the kingdom. It brought home to each individual, doubtless, more security; but it yet fastened upon each a more direct individual responsibility, and that without adding materially to the privileges of the subject, or increasing his political powers. The incorporation of boroughs, some centuries afterwards, though it might have suggested the thought, in no wise constituted a model for the New England system. Though greatly promotive of the popular cause wherever such privileges were conveyed, yet those charters were but seldom granted, and then only to subserve some local or specific purpose. They were isolated cases, and not parts of any general and harmonious system. But to whatever source this New England plan may be traced, its adoption has certainly exerted a most powerful and decisive influence upon the political character and habits of the people over whom it has been extended.

Upon these corporate political bodies, collectively, covering the *whole state*; each acting within its own defined township limits, was usually conferred almost the whole power of regulating and controlling the municipal concerns and the internal police of the country. They ascertained and directed the amount of money which it might be deemed necessary to be raised by taxation, for the support of the poor, for the construction and repair of highways and bridges, and all the various purposes which might be necessary within the township: and they supervised its disbursement. They were ordinarily vested with the power of granting licenses for taverns, ferries, &c., and appointed the various officers whose functions were to be exercised within the township limits, seeing to their proper qualification, &c.; and they exercised generally, a controlling and supervisory power over all the public interests within their respective jurisdictions.

By the general law of the state, the citizens of each township are required to meet periodically in "general town meeting," at certain fixed periods, at some central and convenient place, to be by them designated, and as much oftener as the public business may require; and so met "in legal town meeting," they are duly organized: a presiding officer and a competent number of clerks are appointed, possessing all the powers deemed requisite in the best organized deliberative assemblies. At these "legal township meetings," the old and the young attend; and according to the original plan of the "Pilgrim Fathers," *all* the admitted freemen of the township, being over twenty-one years

old, and without other qualifications, are made competent to participate in all discussions and debates, and to vote on *all* questions, and in *all* elections. In short, *every* township constitutes a *pure and simple* democracy, where all the people, in their political and sovereign capacity, *personally*, and without representation, meet together to discuss, deliberate, and to act, on all the various public affairs which may be before them. They determine, each having an equal voice, "*what* shall be done, *how* it shall be done, and *who* shall do it." And I can conceive of no possible device or contrivance so admirably calculated to familiarize *all* men with the public business of the country—to accustom the young and the old to the *forms* of deliberative assemblies—to fit them all, according to their respective talents, for legislators, and indeed for all the higher grades of public life.

I can well remember the event of the first introduction of that system into that which is Ohio now. I think it was about two years before Ohio became a state. I was too young then to participate at all in public affairs, or very fully to understand them. But *this* event I the more distinctly recollect, principally, perhaps, because of the deep interest *all the Yankees* then in that country exhibited in the matter. The occasion was indeed, considered, and very justly too, as a great triumph. The emigrants from New England constituted at that time, perhaps, a third part of the whole population. These were located principally, at or near the mouth of the Muskingum, and in the Connecticut Western Reserve, with some few who had joined the emigrants from New Jersey, at and near Cincinnati. The central parts of the state, so far as settled at all, were occupied by emigrants from Maryland, Virginia and Kentucky; and the eastern section of it, by citizens principally from the Keystone state. The habits and character of the emigrants from New Jersey, disposed them more to assimilate with the people of New England, and it was principally through their aid, it is believed, that this favorite measure was carried. All others were violently and strongly prejudiced against the policy of it, and sought only to render it ridiculous and hateful.

During a few years, they utterly disregarded the law, or took no other notice of it, than to hold it up, and the whole system of township government, to the public derision, and as the proper subject of contemptuous burlesque. But, "a change came o'er the spirit of their dream!" and at the end of some ten or fifteen years, the mass of the people, even of those who had most derided it, would sooner I think, have parted, and would *now* I think, sooner part with any other of their

local institutions, than with that one. The outlines of this political contrivance have found place among the political establishments of Michigan. The plan was but little favored by some of those in whose keeping, during the continuance of our colonial government, were placed the destinies of the nascent state: yet the germ of it was planted there. Its elements are with us. Let us fortify, enlarge, and embellish the system. Let us make it, gentlemen, what it was originally designed to be, the *monitor* and the *friend* of self-government; a school for young statesmen; at once the *birth-place*, the nurse and the *home* of the free!

There is another topic, gentlemen, to which I desire briefly to invite your attention. It relates to the extent and diffusedness in which the proprietary interests in the soil, may have been distributed among the original settlers of New England, and to the laws defining the tenure and the principal incidents of real estate among them. The political character of a government may be judged of with no small degree of accuracy, from a review in these respects, of the landed property within it, and the laws by which that interest is regulated. Nor will that actual condition of the real estate of any country fail, with re-acting power most materially to influence prospectively, the political character and principles of the government. Where the proprietary interest in land is diffused, in comparatively small portions and generally, throughout the masses of the population, and especially if the policy of the law tend to a continued and a still more general diffusion of it, the government itself can hardly fail to partake more or less extensively of a democratic character.

In *this view*, it is not immaterial to inquire into the policy pursued in these respects by the early colonists of New England. As regards the manner of dividing the land in the first instance, among the original settlers, and the degree of equality which may have been observed in its partition, I am not sufficiently informed to enable me to speak advisedly. It is not, perhaps, unreasonable to suppose that different regulations may have obtained in different settlements, and at different times. The title to the country was generally acquired by large and aggregate companies, and by them from time to time, allotted among themselves and to *all* actual settlers. In the distributions made, a regard was always had, I believe, to a reasonable degree of equality; certain, at least it is, that no part of New England was disfigured by large manorial establishments, such as might be found in many of the other European colonies. On the contrary, *all* there were land holders, and to a very great extent, in nearly equal portions.

Next after those I have already noticed, and in perfect harmony with them, the most important feature, especially in reference to its indirect and ulterior influences, in the policy of the New Englanders, consisted in the simplicity and decided character of their land laws. On reaching their place of refuge, the wild country of their adoption, the "Puritan" colonists left behind them, they discarded entirely, all vestiges of the *Feudal system*. The *allodium*, the whole proprietary interest in the land, vested in the grantee, and *not* the *fee* merely. It was made freely alienable deed, or by devise, and was subject to be taken for debt upon execution; but if not so disposed of, and saving to the surviving widow her reasonable share, it descended, upon the death of the ancestor, to *all* the children: Thus repudiating entirely the Feudal preferences of the male, over the female heirs; and substituting for the *exclusiveness* of the right of primogeniture, a double portion to the eldest son; the whole of the real estate of which the ancestor died seized was required to be divided *equally* among all. Nor did this qualification in favor of the eldest son, long continue. Soon after the estate was made to descend to all the children, share and share alike.

This bold encroachment upon the fundamental law of the mother country, prevented forever the growth among them, of a *landed aristocracy*; and gave, of necessary consequence, a decided democratic cast of character to all the governments which grew up among the sons of the "Pilgrims." The causes which led to this wide deviation from the English canons of descent, have been the subject of various conjectures. In one of the large counties of England, a local custom has prevailed, since before the Norman conquest, called "the custom of Gavelkind in Kent," by which *real* property of which the ancestor died seized, descends, in the event of there being no will, in like manner to *all* the children in equal proportions. Many of the first Colonists of New England, especially those who settled in Connecticut, migrated from that county. It has been conjectured, therefore, with much plausibility, that this feature in their law may have been brought with them. Others again have supposed, and for reasons not less cogent, that the principle was borrowed from the Judaic code.

In the frame of government adopted by the Pilgrim Fathers, and in the scope of the policy they pursued, the genius of the great law giver of the Jews, would seem strikingly apparent. Of the direct interposition of the Deity in behalf of the favored descendants of Abraham, it

is not my design to speak. It would illy become me to do so. "I would not ascribe too much to Moses, nor too little to the Divine source of his wisdom." But I do not think it irreverent to assume, that *human* action may be stimulated by human motive; and in cases, too, where the end attained, is precisely that which Divine wisdom, through the unconscious agency of man, should have predetermined to effect. In this spirit, I desire to glance at some of the prominent features of the Judaic policy and history; we may then the more safely judge how far the code of the "Pilgrim Fathers," may have been borrowed from that source. I assume then, that the motive, the proximate motive at least, which influenced the Israelites to depart from the home of their birth, was the rank oppression to which they were subjected there. I assume, that their purpose was to establish a government of their own, in a far distant land; where they might worship God according to the dictates of their own consciences, and at the same time enjoy all that political freedom which is so conducive to the dignity and happiness of man. I assume, that the constitution of government prepared for them, by the wisdom of their great law giver, was essentially republican, in all its leading features, and that it assumed the *welfare* of the *whole* community as the *end* of its establishment. It annihilated utterly, all artificial and tyrannical distinction of casts and established political equality as the fundamental principle of the State. It was a constitution founded on a religious basis, and assumed that a general diffusion of knowledge, as well as piety towards God, was necessary to its successful administration. It assigned, therefore, to the least numerous of the tribes, (that of Levi,) the special duty of inculcating both: for the functions *they* performed, and for which their superior education peculiarly fitted them, were both civil and religious.

Each of the other tribes, though *all* for *national* purposes, were as closely bound together as similarity of habits, manners and character, and the sympathies of a common religion could bind them; governed, nevertheless, its own affairs in its own way, and as a separate republic. The hereditary head of the tribe constituted its chief executive officer. The heads of the different families, together with other distinguished men, probably constituted the Provincial Assemblies, and delegates appointed by these, probably constituted the national senate, the great Sanhedrim of the Jews. But notwithstanding this liberal distribution of power to their provincial and to their national assemblies, the specific ratification of all great and public decrees, by the general voice of the people, seems invariably to have been demanded. The children of Is-

rael were all free; and excepting this limited but acknowledged subordination to the heads of their families and of their tribes, entirely equal.

When, at length, they chose to desist, prematurely, and against the injunctions of their great law giver, from completing their conquest of the promised land, by the *total* expulsion of their depraved and ferocious enemies, they made preparation for the partition among themselves, of that which they had reduced to possession. Prior to that final act, they were once more to pass upon their constitution of government, their *fundamental* law. The whole people were accordingly gathered together, upon Mount Abal and upon Mount Gerizim. Their constitution and law, being connectedly read to them, paragraph by paragraph, it was assented to with *one* voice, by acclamation; and under circumstances of the most impressive and extraordinary solemnity: They then proceeded to make partition of the conquered country, according to the requisitions of that fundamental law. The whole people had again been numbered, and the division was made according to population. First, different regions of country were set off, to the respective tribes, by the nation collectively, in order that the individual allotments to those of the same tribe might be together. The subdivision into these *individual allotments*, would seem, then, to have been consummated by the respective tribes; and to each individual as nearly as may be, it was assigned, share and share alike. The tribe of Levi was excluded from this division: But in lieu of their equal share, being teachers and ministers of religion, and having other duties to perform; certain tythes were granted to them and certain walled cities conveniently located, were assigned to them for their residence.

The effect of this equal distribution among all, was an extraordinary equality of condition, throughout the entire mass of the people. But to perpetuate that equality of condition as far as should comport with the prosperity of the whole, it was provided that the land of a deceased ancestor should be distributed in equal portions to all his sons, except that for a reason *not very apparent*, a *double portion should be assigned to the eldest son*. And to render such equality of condition more certain and continuous, it was further provided, that upon the occurring of every fiftieth year, all intervening alienations and transfers of land should become inoperative, and that the whole mass of the real estate of the country, should *revert* to the heirs of the respective original owners. All conveyances and transfers being made with *reference to this* peremptory requisition of their fundamental law, it is manifest that

it could give no occasion to charges of individual wrong nor injustice. We hear of the agrarian laws of ancient times: We hear of agrarian projects in modern times; but all the wisdom of ancient Rome, and all the speculations of modern utopians, in point of *efficiency*, fall immeasurably behind the judaic law of property, in this regard; and it would seem almost impossible to devise a scheme, which, without convulsing the very foundations of society, *must* operate so effectually and forever, to prevent the growing up of a powerful, oppressive, and permanent aristocracy.

Thus, gentlemen, I have endeavored to sketch briefly, some of the leading principles of the Judaic law. Such digression from the main purpose of this address, could hardly be excused, perhaps, but for the data which may be thus obtained, by which the better to judge how far the institutions of the founders of New England were borrowed from that code; and the character of the institutions themselves; and but for the sneers and ridicule so often sought to be cast upon their memory, because of their *alleged* desire to adopt the institutions and the character of the Jews, as a model by which to fashion their own. It has been said of some of these colonists, and not without design to cast ridicule upon them, that in the adjustment of their organic law, they have formally ordained, "That the word of God shall be the only rule to be attended unto, in ordering the affairs of government in the plantation." Of other colonists it has been said, that when assembled in character of sovereign legislators, they have with much solemnity resolved "That the laws of Moses shall constitute their rule of decision, *until they can find a better!*"

Imputations of this sort are not unfrequent, and are usually coupled with something, either in language or thought, quite well calculated to cast an air of ridicule upon their proceedings and their character. So far as they may have rendered themselves *justly* obnoxious to ridicule in this respect, let it rest upon their own memory. But that there is much in the Jewish institutions, independent of their divine sanction, worthy of imitation, none will feel disposed to deny. That they contain provisions and enforce principles of extraordinary wisdom, exclusive of their wonderful adaptation to the *people* and to the *times*, for which they were designed, few will be inclined to question. To what extent any of these were successfully or wisely imitated by the Pilgrim Fathers; what analogies may exist, or what points of resemblance may be traced between the institutions of the people, I leave to others, curious in such things, to explore. My purpose is answered by calling your

attention to the subject, as one worthy of future and philosophical research.

There is another aspect, the one to which in the outset I alluded, in which this precise topic will be found worthy to arrest our further scrutiny. Some three or four years after the first colony of Connecticut was established, (and I speak of Connecticut because I am more familiar with her history, not doubting but that her history illustrates in the matters to which I advert, the prevailing opinions and general sentiment of all the New England colonies;) some three or four years after the first *permanent* settlement of that state, (in 1635,) all the freemen of the state, then confined to the several districts of Hartford, Windsor, and Wethersfield, met together personally, in one great convention, and for the sole purpose of forming for themselves a system of government—a *constitution*. It was so formed. Their first charter, obtained some fifty years afterwards, was but little else than a transcript of it, and fully affirmed all its leading principles.

In the preamble of that constitution, the people declare themselves “one public state or commonwealth.” In one of its many well digested articles, they declare “that the supreme power of the commonwealth shall remain in the General Assembly, and that *they only* shall have the power to *make laws, or repeal them*.” After providing for magistrates and courts, and defining and regulating the judicial power, they declare, in another article, that they, (the said magistrates and courts,) “shall have power to administer justice according to the laws *here*” (in the General Assembly,) “*established, and for want thereof, according to the rule of the word of God*.” Whether by this form of expression, reference is intended to be made to the *Mosaic* law, or rather to those rules and principles of natural justice and equity which pervade the New as well as the Old Testament, it is not my purpose here to inquire. But the point to which I would ask your attention, consists in the *direct* and *emphatic* exclusion, which the instrument contains, of the *law making power of the mother country*. Even the *common law*—*proprio vigore*—was never in force there.

This constitution, (which for extraordinary ability, sound judgment and wisdom, in reference to the principles which it affirms, and the detail of its provisions, may well compare with any of the most approved and elaborated systems of organic law of modern times,) continued down to a very late period, and for nearly two centuries, to constitute essentially the *fundamental* law of the state. And what is it, other than a solemn declaration, on the part of the people of Connecticut, that they

intended to be a free people? The moral of all I have said to you, gentlemen, (and they are but *hints* which I have thrown out on this prolific subject,) is, that in order to fit *any* people for free institutions, and for self-government, they must be a *virtuous* people; their minds must be shaped by habit, and stored with knowledge. The story of the New England colonists, illustrates the truth of this proposition. *Virtuous* as they were; and educated as they were, *particularly* to understand and to transact *their own public affairs*; and living, as they *did* live, under institutions such as theirs, the people of New England must have been, what they always claimed to be, *a free people!*

When Great Britain put forth her bold pretensions, and sought to burthen and oppress us—it was New England first—it was New England *always*, that placed herself upon her defence, and *put back* the impertinent attempt. It was James Otis, a son of New England, and *not* Patrick Henry, who gave the first impulse to our glorious revolution! And I may be excused for saying that it has been matter of surprise, and of equal regret with me, that the American public are so little familiar with the life and character of that pure patriot, and eminently great man. If the trial of John Hampden tended more than any other event, to rouse the dormant energies of the people of England; if the arguments employed in that celebrated trial, tended more than all things else, to concentrate the public opinion, and unite the body of the nation in its resistance to the tyranny of the House of Stuart; the discussions that grew out of the application made to the highest judicial tribunal of Massachusetts, by the officers of the Crown, to obtain its sanction to the issue and service, of what they were pleased to call “writs of assistance,” were not less effective in rousing the spirit, and stimulating the innate love of freedom of the sons of the puritans. The case was tried at Boston, in February, 1761; it involved *all* the principles upon which the American revolution ultimately turned: all indeed that is valuable in the rights of private property and personal security. The arguments of Mr. Otis on that occasion, in favor of the public liberties, were looked upon every where through New England, with the highest favor. They produced an enthusiasm of feeling, which pervaded the continent, and which did not cease until the revolution was consummated.* As a statesman, and the popular leader of

*The eloquent biographer of James Otis remarks in reference to this suit, that “No cause in the annals of colonial jurisprudence, had hitherto excited more public interest, and none had given rise to such powerful argument. When the profound learning of the advocate, the powers of wit, fancy and pathos, with which he could copiously illustrate and adorn that learning; and the ardent character of his eloquence are considered; and above all, a deep foresight

the patriot party in the provincial legislature, Mr. Otis stood most distinguished and without a rival. His prescience and great search of thought, seemed equal to the brilliancy and power of his forensic and popular efforts.

In a communication to a distinguished personage in England, dated in 1768, he sums up his views on the condition of the colonies in these impressive and prophetic words: "Our fathers were a *good* people; we *have been a free* people; and if you will not let us remain so any *longer, we shall be a great people!*" Mr. Otis was unquestionably one of the master spirits of the age in which he lived; but his bold and successful career was destined to be prematurely and suddenly arrested. In 1769, he became the victim of a brutal and ferocious assault made upon him by some minions of the crown, then officers in the British army. The wounds then inflicted upon him he never recovered from, and with broken health and impaired intellect, he was obliged to retire, in a great measure, from public life. But the principles he had advocated were not forgotten, nor the benefit of his example lost upon his countrymen. Nor indeed could they be; for the elements of political freedom had been planted too deeply in all their institutions; and the spirit of independence had pervaded all classes of society!

The last conversation to which I listened with lively interest, before I left the city of Washington, was a friendly discussion between certain members of Congress, touching the respective claims of Rhode Island, and Connecticut, as to which of the two states was entitled to the honor of *originating* the first *formal legislative Declaration of Independence*. It had been demonstrated, and was conceded, that *each* was

"of the meditated oppression and tyranny that would be gratified by the success
 "of this hateful application: When all these circumstances are recalled, the
 "power and *magnificence* of this oration may be imagined. With a knowledge
 "of the topics that were involved, and the fearless energy with which they were
 "developed and elucidated; the time when it occurred, and the accompanying
 "circumstances; every person will join with president Adams, when he says,
 "I *do* say, in the most solemn manner, that Mr. Otis' oration against 'writs of
 "assistance,' breathed into this nation the breath of life! The room was filled
 "with all the officers of government and the principal citizens, to hear the argu-
 "ments in a cause, that inspired the deepest solicitude. The case was opened
 "by Mr. Gridley, who argued it with much learning, ingenuity and dignity;
 "urging every point and authority that could be found, after the most diligent
 "search, in favor of the custom-house petition; making all his reasoning
 "depend on this consideration—"if the parliament of Great Britain is the sove-
 "reign legislator of the British Empire?" He was followed by Mr. Thacher, on
 "the opposite side, whose reasoning was ingenious and able; delivered in a tone
 "of great mildness and moderation. But, in the language of president Adams,
 "*Otis was a flame of fire!* With a promptitude of classical allusions, a depth
 "of research, a rapid summary of historical events and dates, a profusion of legal
 "authorities, a prophetic glance of his eyes into futurity, and a rapid torrent of
 "impetuous eloquence, he hurried away *all* before him; *American Independence*
 "*was then and there born!*" &c.

prior in point of time, to that of the celebrated state paper which emanated from the old Continental Congress, on the 4th of July, 1776. But it was a question, *which* of the two states I have named took that bold ground first. The act of the Connecticut legislature was not accessible; and a member of congress from that state, promised, on his return home, to cause the public archives to be examined, with a view to ascertain its date. I have no knowledge of the result; but I am inclined to think that the honor belongs to Rhode Island. The act of the last mentioned state I had previously seen, and admired. It was passed by the Rhode Island legislature, in May, 1776: some two months before the same decisive step was taken by congress. It is to be found printed in a document of the 28th congress, (before which body it had recently before been produced,) on 11th, and also on the 26th page of "No. 581.—1 Ses. 28th Cong. Ho. of Rep."

As an interesting historical relic, and as a proud testimonial of the courage, firmness, and devoted patriotism of the people of Rhode Island, I had, when it was first printed by congress, transmitted the document containing it to you. But my admiration of it being much increased by its reperusal, and a review of the imposing, fearful, and extraordinary circumstances under which this bold measure had been taken; and thinking that it might perhaps have escaped your particular observation, I marked the page and turned down a leaf, and sent to you a second copy of the same document. And I took some merit to myself, gentlemen, for thus pressing it upon you; for although it may have remained unnoticed among the mass of congressional documents, which probably encumber your shelves, yet when you shall have made it the subject of close inspection and study, you will find it entirely worthy of all the praise which has been bestowed upon it, and upon the brave and noble spirits to whose firm, generous and devoted patriotism we are indebted for taking so noble a stand. Although the document may exhibit something of the quaintness, in style, of the *olden time*, yet as a business paper, nothing could be more appropriate. I know of nothing superior to it. It contains nothing superfluous—nothing which ought not to be found there. It comprises all that should be in it; it covers the whole ground. With a becoming energy, terseness, and dignity, it speaks the sentiments of men who, with James Otis, would have announced to the mother country, and to the world, that "Our fathers were a *good* people; we have been a *free* people; and if you will not let us remain so *any* longer, we *shall be a great people!*"

NOTE.

As the increasing infirmities of Mr. Otis, consequent upon the wounds inflicted upon him, as mentioned in the text, drove him more and more from the busy scenes which were passing around him, and rapidly precipitating the great revolution which approached; *other* men were raised up to supply the place *he* occupied.

An association of public spirited and literary men in Boston, was about that time formed, of whom John Adams, John Hancock, Samuel Adams and Elbridge Gerry, were prominent members. They met periodically, and as often as the exigency required, to consult concerning the hopes, prospects and affairs of the country. Seeing the manifest necessity of a cordial union of all the colonies, in order to a successful resistance of the schemes of the British ministry; these men set themselves devotedly to the work of endeavoring to enforce and secure that union. Their plan was to act upon the public sentiment and mind, throughout all the British provinces. Having each a circle of acquaintance within those provinces, more or less extended; and comprising within their own association, much of the genius, literature and eloquence of the whole country, it is hardly possible to over-estimate the importance of their generous devotedness to the cause. Among the most effective means by which they sought to influence and fix the general opinion on the grave matters which occupied the attention of the country, one consisted in preparing for the newspaper press, multitudes of essays and dissertations upon those interesting subjects.

The topics to be discussed, were generally *first* settled, on consultation; and then, severally, and from time to time, parcelled out for preparation, each to *that* member whose genius or peculiar style of writing, seemed best adapted to the occasion.

The dissertations were as various as the changing circumstances and varying exigencies of the country; and the discussion of each was to be *so* fashioned, as to adapt itself to the prevalent tone of sentiment, and to whatever might be peculiar in the customs and sectional institutions of the people, by whom those publications respectively, were designed to be read. When prepared for the press, each was transmitted for publication, through some secret agency, to that section of the country for which it was especially intended.

Co-operating with that of Boston, the public presses of Philadelphia and Richmond, New York, Worcester and Hartford, were principally instrumental in giving tone, character, and force, to the cause of freedom in America. And it was generally in one or the other of those cities, that the respective productions of the associates, printed anonymously, first met the public eye.

It was in the secret meetings of this association, it is believed, that the project of national independency, (dreamed of only before) was, with a view to its *actual* and present enforcement, *first* made the subject of deliberate discussion. It was through the members of this association, that the plan of immediate adoption was pressed upon the minds of the leading patriots, and the intelligent and *thinking* men of the colonies; and it was John Adams who first propounded the measure!

This allegation may seem apocryphal. If it were an established historical fact, why was it not long ago made known? It may be difficult to answer this question satisfactorily. The writer will not attempt it: But it may be due to himself, and to those who may read this note, to say, that the facts stated were assumed upon the authority of the late Judge John Trumbull, formerly of Connecticut.

While the association of patriots in Boston, still continued their periodical meetings, that gentleman was admitted as a student in the office of Mr. Adams, under whose patronage he completed his course of law reading. Though comparatively young, yet he had already acquired his friendship, which indeed he retained through life. No man, perhaps, out of his own family, possessed more entirely his esteem and confidence. Under his auspices Mr. Trumbull was first admitted as a confidential secretary of the association, and soon became one of its most efficient members.

As illustrative of the vigilance and devotedness to the cause of those who constituted the Boston association, it may be interesting to relate an incident relative to the origin and publication of a burlesque poem, written by Mr. Trumbull, and which, in its day, attained to no small degree of celebrity. The year 1775 had commenced under the most fearful and portentous auspices. It had already become apparent, that "unconditional submission," or war, under circumstances of the most appalling disparity, were the *only* alternatives. Firmness of purpose and stern resolve, had hitherto marked the proceedings of public bodies; and the din of active preparation for the conflict, resounded through the land. But the British troops had occupied Boston in great force. The leaders of the popular party there, had dispersed. Several of the members of the association were attending the general congress at Philadelphia, as delegates. Others had found refuge elsewhere. The war had indeed actually commenced. Gloom and dismay had penetrated into domestic circles; and there was great danger, lest the country should shrink from the unequal contest. Under these circumstances, and while Mr. Trumbull, in his native state, was pursuing his professional labors as successfully as the disturbed condition of the country would permit, he received, through a confidential agent, a communication from Col. David Humphreys, purporting to have been written by the direction of that same association of patriots, of whom he also was a member. By this communication Mr. Trumbull was authoritatively admonished that the cause of freedom was in danger. That appalled by the vast power, and the angry tone of Great Britain, the country was sinking into despondency: that something must be attempted, and that quickly, to rouse its spirit, and to excite and elevate its latent energies! The letter concluded with a peremptory order, that he should forthwith prepare something to dispel the melancholy that overspread the patriot cause; that he must write something to "set the people laughing!"

Following this mandatory direction, Mr. Trumbull immediately commenced his Hudibrastic Epic, *McFingal*; and having finished the two or three of the first cantos, the manuscript was secretly sent to Philadelphia, and there anonymously published, and soon spread over the colonies. "No invoice of goods," (using the emphatic words of Judge Trumbull to the writer of this note,) "was ever more truly *made out and sent to order*, than were the parts thus published, of *McFingal*, and being thus disposed of, he had no intention of completing the work or prosecuting it any further. The effort had subverted the purpose for which it was undertaken. Its playful humor and caustic satire, had done the work of embattled soldiers. Pale melancholy had been chased from the land, and laughter loving mirth soon made way for the return of that confiding and cheerful courage which never afterwards forsook the country. It was not until stimulated by another letter from Col. Humphreys, that the author of *McFingal* consented to resume the work, when he finished it as it now appears.

ERRATUM.—On page 8th, thirteenth line from top of page, read *Odyssey* instead of "Odyssey."



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